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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ASSOCIATION OF IRRITATED  
RESIDENTS, an unincorporated association,  
and NATURAL RESOURCES DEFENSE  
COUNCIL, INC.,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, LISA P.  
JACKSON, in her official capacity as  
Administrator of the United States  
Environmental Protection Agency, and  
WAYNE NASTRI, in his official capacity as  
Regional Administrator for Region IX of the  
United States Environmental Protection  
Agency,<sup>1/</sup>

Defendants.

No. CV 08-00227 SC

**STIPULATION TO AMEND  
CONSENT DECREE DEADLINE**

**AND**

**[PROPOSED] ORDER THEREON**

<sup>1/</sup> Stephen L. Johnson was previously named as the lead defendant in this case in his official capacity as Administrator of the United States Environmental Protection Agency. Pursuant to Fed. R. Civ. P. 25(d), his successor, Lisa P. Jackson, is automatically substituted. Defendant Wayne Nastri no longer holds the position of Regional Administrator for Region IX of the United States Environmental Protection Agency; his successor, however, has not yet been chosen, and he therefore remains a named defendant in this action.

1 WHEREAS, Plaintiffs' complaint in this matter alleges that Defendants United States  
2 Environmental Protection Agency; Lisa P. Jackson, in her official capacity as Administrator of  
3 the United States Environmental Protection Agency; and Wayne Nastri, in his former official  
4 capacity as Administrator for Region IX of the United States Environmental Protection Agency  
5 (collectively, "EPA") failed to act on the following three state implementation plans ("SIPs")  
6 within the time lines set forth in section 110(k)(2) of the Clean Air Act, 42 U.S.C. § 7410(k)(2):  
7 (1) the 2003 State and Federal Strategy for the California State Implementation Plan ("2003 State  
8 SIP"); (2) the 2004 San Joaquin Valley Extreme Ozone Attainment Demonstration Plan ("2004  
9 San Joaquin Valley SIP"); and (3) the 2003 Air Quality Management Plan for the South Coast  
10 Air Quality Management District ("2003 South Coast SIP");

11 WHEREAS, on September 12, 2008, the Court entered a Consent Decree, Dkt. 21, which  
12 requires EPA to sign for publication in the Federal Register notices of the Agency's proposed  
13 actions on each of the SIPs by October 15, 2008, and notices of the Agency's final actions on  
14 each of the SIPs by January 15, 2009;

15 WHEREAS, EPA met the October 15, 2008 proposed action deadline for all three SIPs  
16 and the January 15, 2009 final action deadline for the 2003 South Coast SIP and those portions of  
17 the 2003 State SIP that pertain to the 2003 South Coast SIP;

18 WHEREAS, in light of the number of public comments received in response to EPA's  
19 proposed action on the 2004 San Joaquin Valley SIP and related portions of the 2003 State SIP,  
20 the parties stipulated to amend the Consent Decree to allow EPA additional time to take final  
21 action on those SIPs, which the Court entered as an order on January 15, 2009, Dkt. 28;

22 WHEREAS, the amended Consent Decree provides that EPA shall sign for publication in  
23 the Federal Register a notice of the Agency's final action or re-proposed action on the 2004 San  
24 Joaquin Valley SIP and related portions of the 2003 State SIP no later than June 30, 2009, and, in  
25 the event that EPA re-proposes action, that EPA shall sign for publication in the Federal Register  
26 a notice of the Agency's final action on those SIPs by November 13, 2009;

27 WHEREAS, on June 30, 2009, EPA signed a Federal Register notice re-proposing action  
28 on the 2004 San Joaquin Valley SIP and related portions of the 2003 State SIP in compliance

with paragraph 2(b) of the amended Consent Decree;

WHEREAS, the Federal Register notice for the re-proposed action was published at 74 Fed. Reg. 33,933 on July 14, 2009;

WHEREAS, EPA, in response to Plaintiffs' request, has extended the period for public comment on the re-proposed action from August 13, 2009 to August 31, 2009;

WHEREAS, the parties agree that, due to the extended public comment period, a short extension of the November 13, 2009 deadline for EPA to take final action on the 2004 San Joaquin Valley SIP and related portions of the 2003 State SIP is warranted;

WHEREAS, Paragraph 6 of the Consent Decree authorizes the parties to extend this final action deadline via written stipulation;

NOW THEREFORE, the parties, by and through their undersigned counsel, hereby stipulate to amend the deadline in Paragraph 2(c) of the Consent Decree by replacing it with the following paragraph:

2. (c) EPA shall sign for publication in the Federal Register a notice of the Agency's final action on the 2004 San Joaquin Valley SIP and related portions of the 2003 State SIP by December 11, 2009, pursuant to section 110(k) of the Clean Air Act. Once signed, EPA shall deliver the notice to the Office of the Federal Register for publication.

FOR THE DEFENDANTS:

JOHN C. CRUDEN  
Acting Assistant Attorney General  
Environment & Natural Resources Division

Dated: August 7, 2009

/s/ Rochelle L. Russell  
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FOR THE PLAINTIFFS:

Dated: August 7, 2009

/s/ Brent Newell (with permission)  
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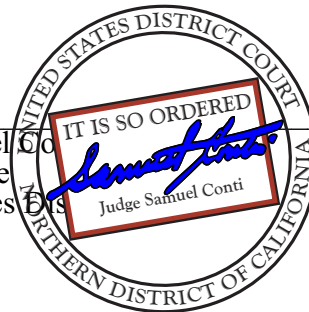
Dated: August 7, 2009

/s/ Adriano Martinez (with permission)  
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 8/10/09

Hon. Samuel Conti  
Senior Judge  
United States District Court



**CERTIFICATE OF SERVICE**

I certify that on August 7, 2009, a true and correct copy of the foregoing **STIPULATION TO AMEND CONSENT DECREE DEADLINE AND [PROPOSED] ORDER THEREON** was served electronically via the Court's e-filing system to Counsel of Record.

/s/ Rochelle L. Russell  
ROCHELLE L. RUSSELL